

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TRAVIS DONALD ASBILL,

Plaintiff,

v.

BRANDON KELLY,

Defendant.

Case No.: 6:22-cv-00075-JE

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge John Jelderks issued Findings and Recommendation in this case on April 10, 2023. Judge Jelderks recommended that this Court deny petitioner's amended petition for writ of habeas corpus because none of the grounds raised by petitioner entitle him to habeas corpus relief. Petitioner filed objections, to which respondent responded.

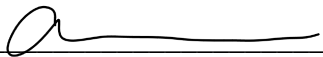
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because petitioner has made objections, this Court reviews those portions of Judge Jelderks's Findings and Recommendation under a de novo standard. Petitioner's objections are unrelated to the Findings and Recommendation and object to no specific portions. Finding no error, the Court ADOPTS

Judge Jelderk's Findings and Recommendation, ECF [29]. The amended petition for writ of habeas corpus is DENIED, and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 12 day of July, 2023.



Adrienne Nelson
United States District Judge